



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2196

DATE SCANNED 6/3/11

SCANNER NO. 2

SCAN OPERATOR EEJ

11092653410



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 3, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER *for PC*  
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*  
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *nus* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *JP in*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 12 DAY  
PRE-PRIMARY REPORT (HAWAII)

Attached is the name of a political committee and its treasurer who failed to timely file the 2010 12 Day Pre-Primary Report in accordance with 2 U.S.C. § 434(a). The committee represents a candidate who participated in the Hawaii Primary Election. The 12 Day Pre-Primary Report was due on September 6, 2010, and the Primary Election was held on September 18, 2010.

The committee listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

11092653411

11092653412

11/3/2010 11:42 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2010 PRE-PRIMARY Election Sensitive 09/06/2010 AUTH ( HI)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2196	C00405852	CAM CAVASSO FOR U S SENATE	CAVASSO, CAMPBELL	PHIL K. UYEHARA	\$434,096	0	9/17/2010	Not Filed	\$178,351	\$6,600

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation – ) AF 2196  
2010 12 Day Pre-Primary Report (HI): )  
Cam Cavasso for U S Senate and Phil K )  
Uyehara, as treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on November 04, 2010, the Commission  
decided by a vote of 6-0 to take the following actions in AF 2196:

1. Find reason to believe that Cam Cavasso for U S Senate and Phil K  
Uyehara, as treasurer violated 2 U.S.C. § 434(a) and make a  
preliminary determination that the civil money penalty would be in  
the amount of \$6,600.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and  
Weintraub voted affirmatively for the decision.

Attest:

November 5, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 16, 2010

Phil K. Uyehara, in official capacity as Treasurer  
Cam Cavasso for US Senate  
41-530 Waikupanaha Street  
Waimanalo, HI 96795

C00405852  
AF#: 2196

Dear Mr. Uyehara:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period through August 29, 2010, shall be filed no later than September 6, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the Primary Election held on September 18, 2010, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On November 4, 2010, the FEC found that there is reason to believe ("RTB") that Cam Cavasso for US Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before September 6, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,600. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$6,600 is due within forty (40) days of the finding, or by December 14, 2010, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$178,351

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on September 18, 2010 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

### 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or December 14, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

### 2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Cam Cavasso for US Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

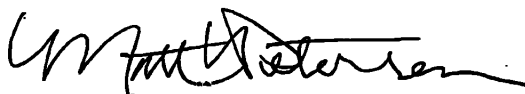
**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen  
Chairman

-----  
**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$6,600 for the 2010 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by December 14, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Cam Cavasso for US Senate

FEC ID#: C00405852

AF#: 2196

PAYMENT DUE DATE: December 14, 2010

PAYMENT AMOUNT DUE: \$6,600

11092653417



**FEC OFFICE OF  
ADMIN REVIEW**

December 14, 2010

2011 JAN -3 P 3:13

Matthew S. Petersen, Chairman

Federal Election Commission,

Office of Administrative Review

999 E. Street NW Washington, DC 20463

Re: Cam Cavasso for US Senate

C00405852

AF#:2196

Dear Mr Matthew Petersen, Chairman

I request an administrative review and waiving/ forgiveness of the late or non filing status determination for our 10 day pre-primary report C00405852 AF# 2196 dated September 13<sup>th</sup>, and filed five days before the Hawaii September 18<sup>th</sup> primary. Dana Brown, your Reviewing Officer, confirmed with me this morning that an appeal letter posted today, December 14, 2010, would be accepted by you.

I recognize the report was supposed to have been postmarked September 6<sup>th</sup> to comply with the reporting requirements. I ask for review and forgiveness of the non-file determination and fine. There are a number of points for consideration I ask you to look upon in hope you are able to grant us favor.

My treasurer, Phil Uyehara, is a non-compensated volunteer donating his time to public service who already sent you the \$6,600 check for the fine to respond within your required time frame for payment. Our campaign has no funds left, in fact it is in the negative, and I ask for a refund so we may reimburse Mr. Uyehara.

I learned this morning, December 14<sup>th</sup>, 2010, from Jill Sugarman Sr Analyst in your FEC office that there was a problem communicating with our campaign because there was an old inactive email on record with her office. This wrong email on file with your office resulted in non-receipt from the FEC of any electronic messages, reminders or requirements. The wrong email was not your fault but I do ask you to consider the breakdown in electronic communication between us as a factor.

In spite of the communication break, Mr Uyehara managed to file all other required reports within the required time frames to the best of my knowledge.

When Mr. Uyehara learned he had missed the deadline for timely filing, three days after the miss, he immediately prepared the report and sent it to Washington DC before the four day pre-primary late filing deadline passed and became a non-filing status. Because Hawaii is overseas from the Continental US and almost 5,500 miles from DC, there is no mail program offered for overnight mail with Fed Express or with any other mail service.

11092653418

11092653419

Mr. Uyehara sent the report on September 13, 2010 via FedEx 2Day, because there is no true "overnight" delivery from Hawaii to Washington DC. So whether he had sent it via Overnight, or 2Day, the report would have arrived in your office on the same day. Mr Uyehara made the decision that spending extra funds for an overnight that was not truly an overnight but would be really the same as a two day anyway. He thought as long as it was postmarked before the 4 day deadline he was ok with the 5 day pre-primary mailing.

I understand there are 2 categories of late filing, i.e. Late filing, received after the due date, but by the 4<sup>th</sup> day prior to the Primary Election, and Not Filed, for reports received later than 4 days prior to the Primary Election.

I respectfully request consideration for the unique mailing conditions from Hawaii and reversal of the non-filing status. Mr. Uyehara acknowledges that the FEC requirements are for reports to be sent via overnight mail with an online tracking system. However, since the FedEx 2Day is also tracked online, and the report would have reached your office at the same time, he used the 2 Day option.

There is one more personal factor I ask you to share with your committee for consideration which impacted on my personal oversight and responsible monitoring of my Treasurer and the report submittals and timeliness; a factor beyond the normal stresses of a campaign.

In conclusion, I respectfully request reevaluation and forgiveness of the finding and fine. My run for the US Senate was made with the best intentions to follow the law and reflect well for Hawaii and our Country. The combination of the electronic alert communication breakdown with you, unique mailing conditions from Hawaii, factor in my request.

I am confident the error will not occur again. Thank you in advance for your consideration.

Sincerely,



Cam Cavasso,

Candidate US Senate



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

January 6, 2011

Phil K. Uyehara, in his official capacity as Treasurer  
Cam Cavasso for U.S. Senate  
41-530 Waikupanaha Street  
Waimanalo, HI 96795

C00405852  
AF#: 2196

Dear Mr. Uyehara:

On January 3, 2011, the Commission's Office of Administrative Review received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

11092653420

**Date:** February 4, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2196**

**Committee Name:** Cam Cavasso for US Senate

**Committee ID#:** C00405852

**Committee Address (if different than in RTB letter):** N/A

**Treasurer Name (if different than in RTB finding):** N/A

**Attachments:**

**Copy of RTB Circulation Report, dated November 3, 2010 and RTB  
Certification, dated November 5, 2010 (Y/N): Y**

**Attachment #: 1**

**Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N): Y**

**Attachment #: 2**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 12 Day Pre-Primary Report Prior Notice, dated August 13, 2010.**

**-Non Filer Notice, dated September 7, 2010.**

**-RTB Letter, dated November 16, 2010.**

**Attachment #: 5**

**Other Information: (Y/N): Y**

**-Copy of Remittance Slip and Check for AF# 2196 Payment**

**Attachment#: 6**

11092653421

**Delivery Notification**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1Z WF5 860 A2 9902 131 0  
**Reference Number(s):** RAD, 295B12LRJ8E  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Weight:** 1.00 Lb  
**Shipped/Billed On:** 11/16/2010  
**Delivered On:** 11/19/2010 1:46 P.M.  
**Delivered To:** 41-530 WAIKUPANAHA ST  
WAIMANALO, HI, US 96795

**Signed By:** SUMMER CAVASSO  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS

**Location:** RESIDENTIAL

Thank you for giving us this opportunity to serve you.

Sincerely,  
UPS

Tracking results provided by UPS: 11/23/2010 3:48 P.M. ET

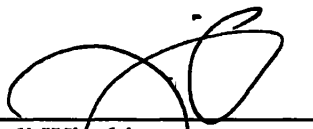
Attachment 2

**DECLARATION OF JODI WINSHIP**

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Cam Cavasso for US Senate:
  - A) On August 13, 2010, Prior Notice referencing the 12 Day Pre-Primary Report for Hawaii was sent to committees of candidates running for the Hawaii Primary Election registered with the FEC. The Prior Notice was also available on the FEC web site beginning on that date. Since Cam Cavasso for US Senate did not provide a current email address to the FEC on their Statement of Organization (FEC Form 1), they did not receive an electronic copy of the Prior Notice via email on August 13, 2010;
  - B) Non-Filer Letter, dated September 7, 2010, referencing the 2010 12 Day Pre-Primary Report;
  - C) Reason-to-Believe Letter, dated November 16, 2010, referencing the 2010 12 Day Pre-Primary Report.

I hereby certify that I have searched the Commission's public records and find that Cam Cavasso for US Senate filed the 2010 12 Day Pre-General Report with the Commission on September 17, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 4<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
Jodi Winship  
Acting Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

HAWAII

August 13, 2010

## POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (09/18/10):

REPORT	REPORTING PERIOD	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	07/01/10 - 08/29/10	09/03/10	09/06/10 <sup>2</sup>
48-Hour Notices	08/30/10 - 09/15/10	-- HI primary candidates only -- see filing info --	
October Quarterly	08/30/10 - 09/30/10	10/15/10	10/15/10

## WHO MUST FILE

The following committees must file the Hawaii Pre-Primary Report:

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2010 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

**Additional information for Hawaii Campaign Committees -- click here**

<sup>1</sup> These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

---

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].



## PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election – even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- *The Record*: January 2010 issue [PDF]
- *Candidate Guide*, pp. 79-80 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- *Candidate Guide*, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>2</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- *Candidate Guide*, pp. 81-82 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

## 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- *The Record*: January 2010 issue [PDF]
- *Candidate Guide*, p. 79 [PDF]

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(e).

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]; Notice 2010-02 (2/24/10) [PDF].

## SUPPLEMENTAL FILING INFORMATION HAWAII CAMPAIGN COMMITTEES ONLY

### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of August 30 through September 15, 2010.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See 11 CFR 104.5(f).

- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate, p. 80 [PDF].

---

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

## 2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- *Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding* [PDF]
- Campaign Guide: *Nonconnected*, pp. 3-4 [PDF]; *SSF*, pp. 1-2 [PDF]; *Party*, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: *Administrative Fine Program Page*
- Campaign Guide: *Nonconnected*, pp. 48-49 [PDF]; *SSF*, p. 46 [PDF]; *Party*, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The *Record*: *March 2009 issue* [PDF]
- Federal Register: *Notice 2009-03 (2/17/09)* [PDF]; *Notice 2010-02 (2/24/10)* [PDF].
- Campaign Guide: *Party*, pp. 143-149 [PDF]

## CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: *Filing Frequency by Type of Committee*
- Campaign Guide: *Nonconnected*, p. 51 [PDF]; *SSF*, p. 49 [PDF]; *Party*, p. 67 [PDF].

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: *48- and 24-hour periods for independent expenditures for 2010 elections*
- Campaign Guide: *Nonconnected*, pp. 72-74 [PDF]; *SSF*, pp. 65-67 [PDF]; *Party*, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

---

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 7, 2010

RQ-7

PHIL K UYEHARA, TREASURER  
CAM CAVASSO FOR U S SENATE  
41-530 WAIKUPANAHIA STREET  
WAIMANALO, HI 96795

IDENTIFICATION NUMBER: C00405852

REFERENCE: PRE-PRIMARY REPORT 7/1/2010 - 8/29/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION. IF YOU HAVE ALREADY FILED THE REPORT BY EXPRESS, CERTIFIED OR REGISTERED MAIL OR ARE PLANNING TO FILE IT WITHIN FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR EXPRESS TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SARI PICKERALL IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

*Debbie Chacona*

DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

1005042117692653430



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 MAR 16 P 2:01

**SENSITIVE**

March 16, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2196 – Cam Cavasso for US  
Senates and Phil Uyehara, in his official capacity as Treasurer (C00405852)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092653431



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 16, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2196 – Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as  
Treasurer (C00405852)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$2,250 civil money penalty.

**Reason-to-Believe Background**

On November 4, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$6,600, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on November 16, 2010 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). If the reports are sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, they must be postmarked, or deposited with the mailing service, no later than the 15th day before the election to be timely filed. Reports sent by any other means must be received by the filing date to be timely filed. 2 U.S.C. § 434(a)(5) and 11 C.F.R. §§ 100.19(h) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On January 3, 2011, the Commission received the written response ("challenge") from the Candidate, Cam Cavasso, who acknowledges that the report was late but asks the Commission to consider the unique mailing conditions from Hawaii, specifically, there are no mail programs offered in Hawaii for overnight mail with Federal Express or any other mail service.

When the Treasurer learned he missed the filing deadline, he immediately prepared and sent the report. He mailed it on September 13, 2010, via Federal Express 2-Day delivery

service. This was five days before the September 18 Primary Election. As there is no true overnight delivery from Hawaii to Washington, DC, the Treasurer decided not to spend extra funds for overnight delivery. Whether he used overnight or 2-Day service, the report would have been received on the same day. Since Federal Express 2-Day service has a tracking system, he thought the report would meet the status for late filing versus non-filing if it was postmarked prior to 4 days before the election.

Consequently, he was focused on his family and was not as diligent in monitoring the campaign. The Treasurer, a volunteer, already paid the \$6,600 fine. As the campaign has no leftover funds, he requests a refund of the fine payment so he may reimburse the Treasurer. Lastly, they did not receive any electronic reporting reminders due to an inactive email address on file with the Commission. He believes all other reports were filed timely. In light of these factors, he asks that the RTB finding and civil money penalty be waived.

### Analysis

The 12 Day Pre-Primary Report was sent via Federal Express 2-Day service on September 13 and was received on September 17, 2010, 11 days late.

If the Treasurer sent the report on that same day using any of the 2 U.S.C. § 434(a)(5) "safe harbor" options, such as certified or registered mail, Priority or Express Mail with delivery confirmation, or overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it would have been considered filed on September 13, 2010. Instead, he sent it by Federal Express 2-Day delivery. As a result, the report is considered filed on the day it was received, September 17.

The respondents concede that the report was late, but they raise a question about mail service from Hawaii. Given the distance between Hawaii and Washington, DC, they had no real overnight delivery option. According to the Federal Express website, it takes at least two business days for mail shipped from Hawaii to arrive in Washington, DC regardless of whether overnight or 2-Day delivery is used. Under the circumstances, the Reviewing Officer can understand why the Treasurer used the 2-Day option, as the report would arrive on the same day with either delivery method. The Reviewing Officer believes this fact should be taken into account at final determination and recommends that the report be considered filed on September 13, 2010 (the day the report was deposited with Federal Express). The report would then be considered 7 days late, rather than not filed, for purposes of the civil money penalty calculation, as the report would be filed prior to four days before the September 18 primary. 11 C.F.R. § 111.43(e)(2).

On January 31, 2011, the respondents filed an Amended 12 Day Pre-Primary Report disclosing a lower level of activity than the original report. The amended report discloses \$83,369 in receipts and \$84,955 in disbursements, resulting in a level of activity of \$168,324. Using the schedule of penalties at 11 C.F.R. § 111.43(b) and the level of activity bracket of \$150,000 through \$199,999.99 for respondents with no previous violations, the civil money



penalty would be  $[\$1,200 + (\$150 \times 7)] \times [1 + (.25 \times 0)]$  or \$2,250, reduced from the \$6,600 RTB civil money penalty.

Negligence and the treasurer's inexperience are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The other issues raised in the challenge (they had an incorrect email address on file, the Treasurer filed other reports timely, and the campaign has no leftover funds) also do not fall within the list of grounds for challenging enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. While the Reviewing Officer is genuinely sympathetic to the Candidate's seriously ill daughter, the regulations clearly state that unavailability of staff (i.e. the Candidate) does not constitute a reasonably unforeseen circumstance. 11 C.F.R. § 111.35(d)(3).

The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,250 (reduced from the RTB civil money penalty of \$6,600). If the Commission votes to uphold the Reviewing Officer's recommendation, \$4,350 will be refunded to the respondents.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2196 involving Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2196 that Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the Amended 12 Day Pre-Primary Report filed on January 31, 2011 (\$168,324) assess a civil money penalty of \$2,250 (reduced from the RTB civil money of \$6,600); and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

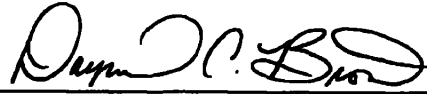
#### **Attachments**

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR

**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 12 Day Pre-Primary Report is due September 6, 2010. Senate principal campaign committees must file reports with the Secretary of the Senate. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system, it must be postmarked by the close of business on September 3 to be timely filed. Reports sent by Federal Express 2-Day delivery must be received by September 6 to be timely filed.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - (a) Page 1 of the Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2010 12 Day Pre-Primary Report filed by Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through August 29, was sent on September 13 via Federal Express for second business day delivery, and was received on September 17, 2010;
  - (b) One page of tracking results from the Federal Express website. According to the results, tracking number 870543501553 was sent via FedEx 2Day Service on September 13 and was received in Washington, DC on September 15, 2010;
  - (c) Two pages from the Federal Express website titled "Delivery Commitments for FedEx Express® Services from Hawaii (Outbound)." In the section marked "Monday-Friday Delivery," it lists the services FedEx First Overnight, FedEx Priority Overnight and FedEx Standard Overnight as having a delivery date of "2 Business Days" for mail shipped "to Other U.S. States." It also lists the service for FedEx 2Day as having a delivery date of "2 Business Days;" and
  - (d) Page 1 of the Summary Page, Page 4 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the Amended 2010 12 Day Pre-Primary Report filed via Federal Express by Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through August 29, was sent on January 31, and was received on February 4, 2011. Lines 24 and 26 list \$83,369.57 in total receipts and \$84,955.22 in total disbursements, respectively, for the reporting period.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 16th of March, 2011.

11092653435

A handwritten signature in black ink, appearing to read "Dayna C. Brown", written over a horizontal line.

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092653436

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

SECRETARY OF THE SENATE

10 SEP 17 AM 11:39

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Cam Cavasso for U.S. Senate

ADDRESS (number and street)

41-530 Waikupanaha Street

Check if different than previously reported. (ACC)

Waimanalo

HI

96795

2. FEC IDENTIFICATION NUMBER

C00405852

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

HI

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

☒

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

09

18

2010

in the State of

HI

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period 07 01 2010 through 08 29 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Phil Uyehara

Signature of Treasurer

*Phil Uyehara*

Date 09 12 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office Use Only

**FEC FORM 3**  
(Revised 02/2003)

FESAN018

11092653437

10020650295

11092653438

10020650551

United States District Office  
Cite 96 Sales Office

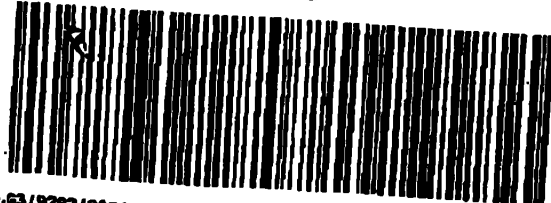
edEx

WED - 15 SEP A2  
## 2DAY ##

8705 4350 1553

A YKNA

20510  
DC-US  
DCA



63/9282/9A24

06-085252  
TRACKING NUMBER  
U.S. SENATE  
1553

ST  
0  
RT  
0

**FedEx. US Airbill**  
Express

8705 4350 1553

0200

1 From  
Date 9/13/2010 Sender's FedEx Account Number  
Sender's Name Phil Wycharn Phone 897 341-7391  
Company  
Address 2502 PETER ST  
City Hammond State LA Zip 70426  
2 Your Internal Billing Reference  
3 To  
Recipient's Name SECRETARY OF THE SENATE Phone  
Company OFFICE OF PUBLIC RECORDS  
Address 232 HART SENATE OFFICE BUILDING  
City WASHINGTON State DC Zip 20510-7116

4a Express Package Service  
1 ☐ FedEx Priority Overnight 5 ☐ FedEx International Priority  
3 ☒ FedEx 2Day 20 ☐ FedEx International Economy  
4b Express Freight Service  
7 ☐ FedEx 1Day Freight  
8 ☐ FedEx 2Day Freight  
5 Packaging  
6 ☐ FedEx Envelope 2 ☒ FedEx Pak  
6 Special Handling and Delivery  
3 ☐ SATURDAY DELIV  
10 ☒ Signature Required  
7 Payment \$/lb  
1 ☐ Sender 2 ☐ Recipient  
Total Packages Total Weight



8705 4350 1553

fedex.com 1800.Gofedex 1800.483.3339

NANCY ERICKSON  
SECRETARY

DANA K. MCCALLUM  
SUPERINTENDENT  
HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7118  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark  
DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

**OVERNIGHT DELIVERY SERVICE:**

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	09-13-10	<input type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_  
Date of Receipt

POSTMARK ILLEGIBLE ☐ NO POSTMARK ☐

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER RD DATE PREPARED 09-17-10

11092653439

10020650352



Ship

Track

Manage

Learn

FedEx Office®

Support Locations English

Search fedex.com



## Detailed Results

Printer-Friendly

Get Link

Help

Enter tracking number

Detailed Results

Notifications

Tracking no.: 870543501553

Select time format: 12H | 24H

E-mail notifications

## Delivered



Delivered  
Signed for by: A.TURNER

## Shipment Dates

Ship date: Sep 13, 2010

Delivery date: Sep 15, 2010 10:07 AM

## Destination

WASHINGTON, DC

Signature Proof of Delivery

## Shipment Options

Help

## Hold at FedEx Location

Hold at FedEx Location service is not available for this shipment.

## Shipment Facts

Help

## Service type

FedEx 2Day Service

## Shipment Travel History

Help

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Sep 15, 2010 10:07 AM	Delivered	WASHINGTON, DC	

FedEx Desktop. Tracking at your fingertips.

Learn more

Sign up for FedEx® Billing Online Plus  
to save paper, save time and enter  
for a chance to win

Learn more



Search fedex.com



## Customer Focus

New Customer Center

Small Business Center

Service Guide

Customer Support

My FedEx Rewards

## Company Information

About FedEx

Careers

Investor Relations

## Featured Services

FedEx SameDay

FedEx Home Delivery

Packaging Services

Ancillary Clearance Services

## Other Resources

Compatible Solutions Program

Developer Resource Center

FedEx Ship Manager Software

FedEx Mobile

## Companies

FedEx Express

FedEx Ground

FedEx Office

FedEx Freight

FedEx Custom Critical

FedEx Trade Networks

FedEx SupplyChain

## Follow FedEx



United States - English

The new fedex.com.  
It's here.

Learn more

© FedEx 1995-2011

Global Home | Site Map | fedex.com Terms of Use | Security and Privacy

11092653440

**FootX**

# Delivery Commitments for FedEx Express® Services From Hawaii (Outbound)

Next Business Day  
2nd Business Day  
3rd Business Day

## Same-Day Delivery

Service	A1	A2	A3	A4	A5	A6	AM	PM	AT
<b>FedEx SameDay®</b>	<b>Delivery the same day you call anywhere in the U.S., depending on flight availability. Call 1.800.399.5999 for more information and to schedule a pickup.</b>								

**Monday-Friday Delivery**

Service	A1	A2	A3	A4	A5	A6
FedEx First Overnight® to Western States¹	8 a.m.	8:30 a.m.	Not Available	9 a.m.	10 a.m.	11 a.m.
FedEx First Overnight to Alaska	Not Available					
FedEx First Overnight to Other U.S. States	2 Business Days by 8 a.m.	2 Business Days by 8:30 a.m.	Not Available	2 Business Days by 9 a.m.	2 Business Days by 10 a.m.	2 Business Days by 11 a.m.

**Monday-Friday Delivery**

Service	A1	A2	A3	A4	A5	A6	AM	PV	PM	AT
FedEx Priority Overnight® to Western States¹		10:30 a.m.	Noon	10:30 a.m.	Noon	4:30 p.m.	Noon		4:30 p.m.	Not Available
FedEx Priority Overnight to Other U.S. States		2 Business Days by 10:30 a.m.	2 Business Days by Noon	2 Business Days by 10:30 a.m.	2 Business Days by Noon	2 Business Days by 4:30 p.m.	2 Business Days by Noon	2 Business Days by 4:30 p.m.	Not Available	Not Available
FedEx Priority Overnight to Alaska		Not Available		10:30 a.m.	Not Available		Noon	5 p.m.	Not Available	2 Business Days by Noon
FedEx Standard Overnight® to Western States¹		9 p.m.	4:30 p.m.	3 p.m.	4:30 p.m.	Not Available	4:30 p.m.		Not Available	
FedEx Standard Overnight to Other U.S. States		2 Business Days by 9 p.m.	2 Business Days by 4:30 p.m.	2 Business Days by 3 p.m.	2 Business Days by 4:30 p.m.	Not Available	2 Business Days by 4:30 p.m.		Not Available	
FedEx Standard Overnight to Alaska			Not Available				5 p.m.		Not Available	



11092653442



**Monday-Friday Delivery (cont.)**

Next Business Day      2nd Business Day      3rd Business Day

Service	A1	A2	A3	A4	A5	A6	AM	PM	RM	AT
FedEx 2Day® A.M. to Western States	2 Business Days by 10:30 a.m. (Alaska Not Available)		2 Business Days by Noon (Alaska Not Available)	2 Business Days by 10:30 a.m.	2 Business Days by Noon (Alaska Not Available)	Not Available	2 Business Days by Noon	Not Available	Not Available	Not Available
FedEx 2Day® A.M. to Other U.S. States	Not Available									
FedEx 2Day® A.M. to Alaska	Not Available	Not Available	2 Business Days by 10:30 a.m.	2 Business Days by 10:30 a.m.	Not Available	Not Available	2 Business Days by Noon	Not Available	Not Available	Not Available
FedEx 2Day® <sup>1</sup>	2 Business Days by 4:30 p.m. Resident by 7 p.m. (Alaska Not Available)									
FedEx Express Server®	Not Available									

<sup>1</sup>Some remote areas in Alaska, California, Colorado, Idaho, Nevada, Oregon, Utah and Washington may have a later delivery commitment.

**Saturday Delivery**

Service	A1	A2	A3	A4	A5	A6	AM	PM	RM	AT
FedEx First Overnight® to Western States <sup>1</sup>	9:30 a.m.	10 a.m.	Not Available	10 a.m.	10:30 a.m.	11:30 a.m.			Not Available	
FedEx First Overnight® to Alaska	Not Available									
FedEx First Overnight® to Other U.S. States	2 Business Days by 9:30 a.m.	Not Available	2 Business Days by 10 a.m.	10:30 a.m.	2 Business Days by 11:30 a.m.				Not Available	
FedEx Priority Overnight® to Western States <sup>1</sup>		Noon	1:30 p.m.	Noon	1:30 p.m.	4:30 p.m. <sup>2</sup>	1:30 p.m.	4:30 p.m. <sup>2</sup>	Not Available	
FedEx Priority Overnight® to Other U.S. States	2 Business Days by Noon	2 Business Days by Noon	2 Business Days by 1:30 p.m.	2 Business Days by Noon	2 Business Days by 1:30 p.m.	2 Business Days by 4:30 p.m. <sup>2</sup>	2 Business Days by 1:30 p.m.	2 Business Days by 4:30 p.m. <sup>2</sup>	Not Available	
FedEx Priority Overnight® to Alaska	Not Available	Not Available		Noon	Not Available		1:30 p.m.	1:30 p.m.	Not Available	
FedEx 2Day® <sup>1</sup>	2 Business Days by 4:30 p.m. (Alaska Not Available)		2 Business Days by 4:30 p.m.	2 Business Days by 4:30 p.m.	2 Business Days by 4:30 p.m. (Alaska Not Available)		2 Business Days by 4:30 p.m. (Alaska Not Available)	2 Business Days by 4:30 p.m. <sup>2</sup> (Alaska Not Available)	Not Available	

<sup>1</sup>Some remote areas in Alaska, California, Colorado, Idaho, Nevada, Oregon, Utah and Washington may have a later delivery commitment.

<sup>2</sup>Select ZIP codes only.

FEC  
FORM 3

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

SECRETARY OF THE SENATE

11 FEB -4 AM 11:24

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

Cam Cavasso for US Senate

ADDRESS (number and street)

41-530 Waikupanaha Street

Check if different  
than previously  
reported. (ACC)

Waimanalo

HI

96795

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C 00405852

3. IS THIS  
REPORT

NEW  
(N)

OR

AMENDED  
(A)

HI

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

XX Primary (12P)

General (12G)

Runoff (12R)

Concession (12C)

Special (12S)

Election on

09 18

2010

In the  
State of

HI

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

In the  
State of

5. Covering Period

07 01 2010

through

08 29 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Phil K. Uyehara

Signature of Treasurer

*Phil Kuy*

Date

01 30 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only

FEC FORM 3  
(Revised 02/2003)

FESAND18

11092653443

11020060490

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 87

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

82702.33

219006.50

18. TRANSFERS TO OTHER  
AUTHORIZED COMMITTEES.....

0.00

0.00

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed  
by the Candidate.....

252.89

1620.98

(b) Of all Other Loans.....

0.00

0.00

(c) TOTAL LOAN REPAYMENTS  
(add Lines 19(a) and (b)).....

252.89

1620.98

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other  
Than Political Committees.....

2000.00

2000.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees  
(such as PACs).....

0.00

0.00

(d) TOTAL CONTRIBUTION REFUNDS  
(add Lines 20(a), (b), and (c)).....

2000.00

2000.00

21. OTHER DISBURSEMENTS.....

0.00

240.05

22. TOTAL DISBURSEMENTS  
(add Lines 17, 18, 19(c), 20(d), and 21) ➤

84955.22

222867.53

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

5072.05

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....

83369.57

25. SUBTOTAL (add Line 23 and Line 24).....

88441.62

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

84955.22

27. CASH ON HAND AT CLOSE OF REPORTING PERIOD

(subtract Line 26 from Line 25).....

3486.40

1109265344A

11020060403

11 亞細亞火油有限公司

NANCY ERICKSON  
SECRETARY

DANA K. MCCALLUM  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7118  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_

Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_

Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_

Postmark

USPS PRIORITY MAIL \_\_\_\_\_

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL \_\_\_\_\_

Postmark

**OVERNIGHT DELIVERY SERVICE:**

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS

01-31-11

☐

UPS

\_\_\_\_\_

☐

DHL

\_\_\_\_\_

☐

AIRBORNE EXPRESS

\_\_\_\_\_

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX \_\_\_\_\_

Date of Receipt

OTHER \_\_\_\_\_

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

02-04-11

11092653446

11020060411



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 17, 2011

Phil K. Uyehara, in his official capacity as Treasurer  
Cam Cavasso for US Senate  
41-530 Waikupanaha Street  
Waimanalo, HI 96795

C00405852  
AF# 2196

Dear Mr. Uyehara:

On November 4, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Cam Cavasso for US Senate and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$6,600 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

11092653447



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SECRETARIAT

2011 MAR 31 P 3: 23

**SENSITIVE**  
March 31, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Acting Staff Director *AP*

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2196 – Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer (C00405852)

On November 4, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-Primary Report, an election sensitive report. The Commission also made a preliminary determination that the civil money penalty was \$6,600 based on the schedule of penalties at 11 C.F.R. § 111.43.

The \$6,600 payment for the civil money penalty was received at the Commission's lockbox on December 16, 2010.

On January 3, 2011, the Commission received the respondents' written response (“challenge”). After reviewing the challenge, the Reviewing Officer's recommendation dated March 16, 2011 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer believed that the fact that it takes at least two business days for mail shipped via Federal Express from Hawaii to arrive in Washington, DC, regardless of whether it is sent overnight or 2-Day delivery, should be taken into consideration at final determination. This would result in the report being considered filed on September 13, when it was deposited with Federal Express, and the report would then be seven days late, rather than not filed for purposes of the civil money penalty because it would be filed prior to four days before the September 18 primary. 11 C.F.R. § 111.43(e).

The respondents filed an Amended 12 Day Pre-Primary Report on January 31, 2011, disclosing a lower level of activity (\$168,324) than the original report (\$178,351). The civil

11092653448

money penalty for an election sensitive report filed 7 days late by respondents with no prior violations and using the \$150,000 - \$199,999.99 level of activity bracket equals  $[\$1,200 + (\$150 \times 7)] \times [1 + (.25 \times 0)]$ , or \$2,250, reduced from the \$6,600 RTB civil money penalty. 11 C.F.R. § 111.43(b) and (d). Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,250. If the Commission votes to uphold the Reviewing Officer's recommendation, \$4,350 will be refunded to the respondents.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2196 involving Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2196 that Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the Amended 12 Day Pre-Primary Report filed on January 31, 2011 (\$168,324) assess a civil money penalty of \$2,250 (reduced from the RTB civil money of \$6,600); and
- (3) Send the appropriate letter.



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 2196  
Cam Cavasso for US Senate and Phil K. )  
Uyehara, in his official capacity as )  
Treasurer (C00405852) )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,  
do hereby certify that on April 14, 2011, the Commission decided by a vote of  
6-0 to take the following actions in AF 2196:

1. Adopt the Reviewing Officer recommendation for AF# 2196 involving Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2196 that Cam Cavasso for US Senate and Phil K. Uyehara, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the Amended 12 Day Pre-Primary Report filed on January 31, 2011 (\$168,324) assess a civil money penalty of \$2,250 (reduced from the RTB civil money of \$6,600).
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and  
Weintraub voted affirmatively for the decision.

Attest:

April 15, 2011  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary

11092653450



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 19, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Phil K. Uyehara, in his official capacity as Treasurer  
Cam Cavasso for US Senate  
41-530 Waikupanāha Street  
Waimanalo, HI 96795

C00405852  
AF# 2196

Dear Mr. Uyehara:

On November 4, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Cam Cavasso for US Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-Primary Report. By letter dated November 16, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,600 in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On December 16, 2010, the Commission received your \$6,600 payment.

On January 3, 2011, the Office of Administrative Review received the written response from the Candidate, challenging the RTB civil money penalty. The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission take into consideration the fact that it takes at least two business days for mail shipped via Federal Express from Hawaii to arrive in Washington, DC, regardless of whether it is sent overnight or 2-Day delivery. This would result in the report being considered filed on September 13, when it was deposited with Federal Express. The report would then be seven days late, rather than not filed for purposes of the civil money penalty because it would be filed prior to four days before the September 18 primary. Using the \$168,324 level of activity disclosed on the respondents' Amended 12 Day Pre-Primary Report, filed January 3, 2011, the civil money penalty for an election sensitive report filed 7 days late by respondents with no prior violations, would be  $[\$1,200 + (\$150 \times 7)] \times [1 + (.25 \times 0)]$ , or \$2,250, reduced from the \$6,600 RTB civil money penalty. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 17, 2011.

On April 14, 2011, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Cam Cavasso for US Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$2,250 (reduced from

11092653451

the RTB civil money penalty of \$6,600). A copy of the final determination recommendation is attached. A refund of \$4,350 will be processed and returned to you.


**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Chair

Attachment



FEDERAL ELECTION COMMISSION  
Washington DC 20463

11092653453

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2196

DATE SCANNED

6/3/11

SCANNER NO.

2

SCAN OPERATOR

EES